

REMARKS

Claims 11-20 are pending in the present application. In view of the following explanation, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and indicating that all certified copies of the priority documents have been received.

I. Claim Rejection under 35 U.S.C. §102(b)

Claims 11-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,583,628 ("Ropke"). The Examiner did not provide any explanation for the rejection of claims 12-20 in the Office Action. Since a proper rejection was not provided for these claims, it is believed and respectfully submitted that these claims are in condition for immediate allowance. It should be appreciated that a subsequent Office Action, if any, cannot properly be made final if it includes any ground of rejection of any of claims 12 to 20. For at least the following reasons, the rejection of the presently pending claims should be withdrawn.

In order to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter of the claims. See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." See M.P.E.P. § 2112; emphasis in original; see also *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'l. 1990). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherence of that result or characteristic. Accordingly, it is respectfully

submitted that any anticipation rejection premised on the inherency doctrine is not sustainable absent the foregoing conditions.

In regards to claim 11, Applicant strongly disagrees with the Examiner's contention that the Ropke reference discloses or suggests all the limitations of the claim as recited. Ropke discusses a process in which malfunctioning detectors are determined in a danger signaling system. (See Ropke, Col. 4, lines 16-20). Ropke does not contain any disclosure of a current sensor that detects a current-impressed signal which is separate and distinct from the constant current sink. Ropke does discuss a control centre that impresses a current that is measured by the detectors. (See Ropke, Col. 4, lines 52-55). Ropke further discusses that the detectors themselves act like current sinks. (See Ropke, Col. 4, lines 16-18; see also Ropke, Col. 8, lines 1-15). However, Ropke does not disclose or suggest a separate current bypass branch representing a controlled current sink, as recited in the claims, that is parallel to the current sensor.

Furthermore, as evidenced by the Figures, the system in Ropke does not disclose or suggest a current sensor connected in parallel to a current bypass branch. Irrespective of the fact that Ropke does not disclose or suggest a current bypass branch, the detectors (M1 and M2) are not connected in parallel to another element, e.g., the control centre (Z), but rather through a two wire line. (See Ropke, Figures 1-3; see also Ropke, Col. 1, lines 20-22). Additionally, Ropke does not contain any disclosure of an impressed signal having an unreduced amplitude and a reduced DC component of a supply current.

For at least the foregoing reasons, claim 11 and its dependent claims 12-19 are allowable over Ropke. Claim 20 is a device claim substantially analogous to claim 11, and therefore claim 20 is similarly allowable over Ropke.

As discussed above, claims 12-19 depend from claim 11 and are allowable by virtue of their dependence on claim 11. Regardless, Applicant notes that the Office Action did not provide any discussion of the limitations for each of these dependent claims. For example, claim 12, as presented, recites the features of a control feature and an amplifier. These features are not disclosed or suggested by the Ropke reference, and the Office Action does not assert that Ropke discloses or suggests these features. Therefore, by virtue of the absence of a rejection

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addressing these claims, claims 12-19 are presumed to be in condition for an immediate allowance. Claim 20 contains analogous subject matter to claim 11, but also contains the limitation of "a device for detecting a current-impressed signal added to a DC supply current for a digital alarm line security system." Claim 20 should also be deemed allowable based on the absence of a proper rejection.

CONCLUSION

In view of the above, it is respectfully submitted that all of the presently pending claims 11-20 are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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By: JONG LEE for Gerard Messina
Gerard A. Messina
(Reg. No. 35,952)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
Customer No. 26646